

REMARKS

Applicant has amended the claims to correct minor errors, clarify the feature of the independent claims pertaining delivery of the offers being “based on execution of offer data processing rules,” corrected antecedent basis in claims 37 and 38 and amended claims 48-50 to depend from corresponding independent claims 17, 33 and 34 thus overcoming the objection, and to clarify that one of offer data processing rules is a time based rule.

The examiner removed the double patenting rejection.

Claim Rejections - 35 USC § 103

The examiner rejected Claims 17-29, 31-38 and 44-46 under 35 U.S.C. 103(a) as being unpatentable over Benthin et al. 2002/0035568 in view of Langseth et al.

Claims 17, 31 and 33

Claim 33 is directed to a computer program product and includes instructions to “... select the offers to send for each of the plurality of marketing campaigns according to a determined channel allocation of offers” and “cause a delivery of the offers over channels ... with the channels and time of delivery of the offers based on ... the allocation of the offers to the channels based on the determined allocations in each of the marketing campaigns with the channels being one of a plurality of different types of delivery channels.”

The examiner concedes that Benthin does not teach any mechanism that will allocate delivery offers that originate from plural marketing campaigns. For this the examiner relies on Langseth. Langseth does not teach instructions to “... select the offers to send for each of the plurality of marketing campaigns according to a determined channel allocation of offers” Langseth does not describe a delivery mechanism that selects offers to send over different types of delivery channels.

Langseth does not possess different channels or the “delivery channel types” as that term is used by Applicant. It is clear therefore, that Benthin neither describes nor renders obvious whether taken separately or in combination with Langseth “delivering

the offers over channels to specific, targeted individuals ... the channels and time of delivery ... based on execution of offer data processing rules and the allocation of the offers to the channels based on the determined allocations in each of the marketing campaigns with the channels being ... different types of delivery channels."

Claims 18, 23-24 and 34

Claim 34 is directed to a computer program product that further limits claim 33.

Claim 34 includes instructions to: "determine a channel to select based at least in part on the specific, targeted individual's response to an offer." The examiner states that:

Claims 18, further recite determining a channel to select based on user response to an offer and delivering targeted information to the individual based on the information. Official Notice is taken that it is old and well known in marketing to determine how well users response to ads on TV versus ads in the radio in order to select how the ads are going to be delivered based on the user's responses. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included determining a channel to select based on user response to an offer in order to allow the advertisers to determine the best delivery medium.

This alleged official notice is of absolutely no import to the claimed subject matter.

Applicant again asks that the examiner furnish documentary proof of these specific assertions.

Claim 34 does not claim "**how well users response to ads on TV versus ads in the radio in order to select how the ads are going to be delivered based on the user's responses.**" Applicant's claims are directed to individualized offers that are sent to individuals, and claim 34 requires that the individual's response to such offers determines the delivery medium.

Claims 19 and 35

Claim 35 is directed to a computer program product that further limits claim 33 and includes instructions to: "prioritize the set of offers for the targeted individual ... and limit the number of prioritized offers using at least one privacy characteristic defined by the specific, targeted individual" The examiner did not address any of the remarks in the rejection to the features of this claim. Applicant is unaware of any teachings in either of the references or any

purported official notice that would suggest using a privacy characteristic defined by the individual to prohibit or limit the frequency of various types of offers.

Claims 20 and 36

Claim 36 is directed to a computer program product that further limits claim 35. Claim 36 includes instructions to: “allocate the selected prioritized offers according to a capacity associated with each of the channels.” Langseth has a different concept of “channel” that does not suggest what is claimed in Applicant’s claims. Langseth does not teach instructions to “allocate the selected prioritized offers according to a capacity associated with each of the channels” by the examiner’s assertion that “**advertisements to place**” corresponds the claimed allocation of the offers to channels from plural marketing campaigns.

Claims 21-22, 37-38

Claim 37 is directed to a computer program product that defines channel capacity, as related to monetary costs associated with of the channels. Claim 38 defines channel capacity, as related to a physical capacity of the channels. Langseth does not suggest either metric to define a capacity of a channel.

The examiner again relies on official notice. The official notice is clearly irrelevant to the claimed subject matter. First the official notice eschews the proper construction given to Langseth and in effect amounts to a further, yet unstated modification of Langseth. Secondly, the official notice makes no sense. Applicant contends that this official notice is erroneous and requests documentary proof thereof.

Claims 28, 29, 32, 45 and 46

Claim 45 requires the feature of instructions to: “track activities of the targeted individuals to whom the offers were targeted ...” and instructions to: “determine an effectiveness of the ... offers by matching information received from sources of activity related information to the offers.” Claim 46 requires instructions to: “present through channels selected from the plurality of channels a sequence of subsequent offers to individuals based on their tracked

activities." The alleged combination of Benthin, Langseth and official notice neither describes nor renders obvious the foregoing features.

Claims 48-50

Claim 50 requires that "... at least one of the offer data processing rules is a rule selected from a set of time based rules, and further requires that instructions to select ... select one of the offers based on execution of one of the time based rules." Benthin neither describes nor would render obvious in any combination with Langseth the concept of "time based rules," as an offer data processing rule.

Accordingly, the claims are allowable over the alleged combination of references.

It is believed that all the rejections and/or objections raised by the examiner have been addressed.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

No fee is due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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